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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/663,952	05/14/96	LI	W T8/462364

IM81/02027  
GOWLING STRATHY & HENDERSON  
SUITE 3000  
COMMERCE COURT WEST  
TORONTO ON M5L 1J3  
CANADA

EXAMINER

CHANEY, C

ART UNIT

PAPER NUMBER

1745

12

AIR MAIL

DATE MAILED:

02/02/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
08/663,952

Applicant(s)  
Wu Li

Examiner  
Carol Chaney

Group Art Unit  
1745



- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

- ☒ Claim(s) 1, 5, 10-12, 31, and 32 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1, 5, 10, and 31 is/are rejected.
- ☒ Claim(s) 11, 12, and 32 is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1745

***Prosecution Reopened in View of New References***

1. The indicated allowability of claims 1, 5, 10-12 and 31-32 is withdrawn in view of the newly discovered reference(s) to Okamura et al., JP 07 235292. Rejections based on the newly cited reference(s) follow.

Prosecution on the merits of this application is reopened on claims 1, 5, 10-12 and 31-32 considered unpatentable for the reasons indicated below:

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5, 10 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Okamura et al. (JP 07 235292)

Okamura et al. disclose nonaqueous electrolyte secondary batteries with cathodes comprising  $\text{Li}_x\text{NiO}_2$  ( $0 < x \leq 1$ ) particles coated with one or both of the lithiated metal oxide conductors  $\text{Li}_x\text{CoO}_2$  ( $0 < x \leq 1$ ) and  $\text{Li}_x\text{MnO}_2$  ( $0 < x \leq 1$ ). (Note English translation of patent, page 4, paragraph [0010].)

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4. Claims 11, 12 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of Okamura et al fails to suggest the mixed metal oxide, lithium cobalt nickel oxide as a material with which to coat lithium nickel oxide.

*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol Chaney whose telephone number is (703) 305-3777. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Maria Nuzzolillo, can be reached on (703) 305-3776. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7764 for 'unofficial' faxes and (703) 305-3599 for official faxes and amendments after final.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Carol Chaney  
January 26, 1999